

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

MAURICE MASON, SHARON WADE,
LADAYTON WILLIAMS, OLLIE HARDMON,
AND WILLIE JOE SAFFORD

PLAINTIFFS

v. CIVIL ACTION NO. 4:20-CV-164-DMB-JMV

CITY OF CLARKSDALE; COAHOMA COUNTY,
MISSISSIPPI; COAHOMA COUNTY SHERIFF'S
OFFICE, MASTER SERGEANT MARCUS COHEN,
INDIVIDUALLY AND IN HIS OFFICIAL
CAPACITY, DEPUTY ERIC BILBRO,
INDIVIDUALLY AND IN HIS OFFICIAL
CAPACITY, AND JOHN AND JANE DOES 1-10

DEFENDANTS

VIDEO DEPOSITION OF EDDIE EARL

Taken at the instance of the Plaintiffs on Tuesday, October 5, 2021, in the offices of Jacks|Griffith|Luciano, P.A., 150 North Sharpe Avenue, Cleveland, Mississippi, beginning at 11:05 a.m.

(Appearances noted herein)

REPORTED BY: Courtney R. Taylor, CCR, TLC
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Memphis, Tennessee 38103

<p>1 APPEARANCES:</p> <p>2 JUAN T. WILLIAMS, ESQ. Perry Griffin, P.C. 5699 Getwell Road, Building G, Suite 5 Southaven, Mississippi 38672</p> <p>5 COUNSEL FOR PLAINTIFFS</p> <p>7</p> <p>8 ARNOLD U. LUCIANO, ESQ. Jacks Griffith Luciano, P.A. 150 North Sharpe Avenue</p> <p>9 Cleveland, Mississippi 38732</p> <p>10 COUNSEL FOR DEFENDANT, COAHOMA COUNTY</p> <p>11 MICHAEL CARR, ESQ. Carr Law Firm, PLLC</p> <p>12 301 West Sunflower Road, Suite D Cleveland, Mississippi 38732</p> <p>13</p> <p>14 COUNSEL FOR DEFENDANTS, MARCUS COHEN & ERIC BILBRO</p> <p>15</p> <p>16 ALSO PRESENT: JASON HOPKINS, VIDEOGRAPHER</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 THE VIDEOGRAPHER: Good morning. We're 2 going on the record at 11:05 a.m. on 3 October the 5th, 2021. Please note that the 4 microphones are sensitive and may pick up 5 whispering, private conversations, cellular 6 interference. Please turn off all cell 7 phones and place them away from the 8 microphones as they can interfere with the 9 deposition audio.</p> <p>10 The audio and video recording will 11 continue to take place unless all parties 12 agree to go off the record. This is the 13 video recorded deposition of Eddie Earl, 14 taken by counsel for the plaintiff (sic) in 15 the matter of Maurice Mason and others versus 16 the City of Clarksdale and others, filed in 17 the United States District Court for the 18 Northern District of Mississippi, Greenville 19 Division. Case Number 4:20-CV-164-DMV-JMV.</p> <p>20 This deposition is being held at 150 21 North Sharpe Avenue, Cleveland, Mississippi. 22 My name is Jason Hopkins and I'm the 23 videographer. The court reporter is Courtney 24 Taylor.</p> <p>25 We are both from the firm Veritext</p>
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<p>1 INDEX</p> <p>2 Style and Appearances..... 1-2</p> <p>3 Index..... 3</p> <p>4 Examination by Mr. Williams..... 4</p> <p>5 Exhibit 1..... 69</p> <p>6 Certificate of Deponent..... 70</p> <p>7 Certificate of Reporter..... 71</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 Tennessee. I'm not related to any party in 2 this action, nor am I financially interested 3 in the outcome.</p> <p>4 Counsel and all present in the room will 5 now state their appearances and affiliations 6 for the record, and, if there are any 7 objections to the proceedings, please state 8 them at the time of your appearance, 9 beginning with the noticing attorney. After 10 which, our court reporter may swear in the 11 witness and we may proceed.</p> <p>12 MR. WILLIAMS: Juan Williams. I'm the 13 attorney for the plaintiffs.</p> <p>14 MR. CARR: My name is Michael Carr. I'm 15 the individual attorney for Marcus Cohen and 16 Eric Bilbro.</p> <p>17 MR. LUCIANO: My name is Arnold Luciano. 18 and I'm the attorney for most of the 19 defendants, Coahoma County.</p> <p>20 EDDIE EARL, 21 having first been duly sworn, was examined and 22 testified as follows:</p> <p>23 EXAMINATION BY MR. WILLIAMS:</p> <p>24 Q. All right. Okay. Hello, Deputy Earl.</p> <p>25 A. How are you doing, sir?</p>
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<p>1 Q. As you read, my name is Juan Williams. I 2 know you've seen me before, of course. 3 A. Yes, sir. 4 Q. And is it your understanding that you 5 have -- I have deposed you before in the past? 6 A. Yes, sir. 7 Q. And it was in another matter, correct? 8 A. Yes, sir. 9 Q. It was in the matter of Myron Pollard 10 versus Coahoma County. 11 Do you remember that deposition? 12 A. Yes, sir. 13 Q. Do you remember me asking you questions 14 during that time? 15 A. Yes, sir. 16 MR. WILLIAMS: All right. This is a 17 copy of that deposition, and I would like to 18 enter it into -- as an exhibit to this 19 testimony. 20 MR. LUCIANO: Let me see it. 233 pages, 21 it looks like. 22 You want this one? 23 That way -- I'm sorry -- to the court 24 reporter. 25 Q. (By Mr. Williams) My main purpose for </p>	<p>1 able to say, "Hey, I understood the question that 2 was -- was asked, and I understood my answer." 3 Okay? 4 A. Yes, sir. 5 Q. All right. You're doing a good job. When 6 you answer all questions, make sure you say, "Yes," 7 "no," say something verbal, because she can't take 8 down head nods and can't take down "uh-huh" and 9 "huh-uh." 10 Okay? 11 A. Yes, sir. 12 Q. Is there anything that would prevent you 13 from giving your full attention to me, to answering 14 these questions today? 15 A. No, sir. 16 Q. Are you under -- under the influence of any 17 alcohol or drugs that would prevent you from 18 taking -- answering these questions today? 19 A. No, sir. 20 Q. If you need a break -- we shouldn't be 21 long, but if you need a break, just let me know. 22 And I'll be happy to let you have one, but I would 23 just ask that you answer whatever question is before 24 you before you get that break. 25 Okay? </p>
<p>Page 6</p> <p>1 entering that is we don't have to go back over 2 introductory stuff, stuff regarding the past 3 discipline that we had already been over. 4 But I will be asking you some new 5 questions. 6 Do you understand? 7 A. Yes, sir. 8 Q. Okay. You understood that -- you 9 understand that you are under oath today, correct? 10 A. Yes, sir. 11 Q. And you understand it has the same effect 12 as if you are in a court of law? 13 A. Yes, sir. 14 Q. Besides that deposition that I took with 15 you earlier, have you taken -- have you given any 16 other depositions? 17 A. No, sir. 18 Q. Okay. And I always tell a person, if I 19 don't -- if I say a question and you don't 20 understand it, please correct me, stop me, tell me, 21 "Hey, don't" -- or whatever, wave your hands. 22 Because I want to be able -- if I ask you a 23 question, I want to be -- make sure that you 24 understand that question. 25 Okay. And if you answer, I want you to be </p>	<p>Page 8</p> <p>1 A. Yes, sir. 2 Q. All right. Then we'll begin. 3 Have you had any changes in your address 4 since our last deposition? 5 A. No, sir. 6 Q. Have you had any changes in your marital 7 status since the last deposition? 8 A. No, sir. 9 Q. Have you had any -- any additional children 10 since my last deposition? 11 A. No, sir. 12 Q. Have you been arrested or charged with a 13 crime since our last deposition? 14 A. No, sir. 15 Q. Have you had any changes in your employment 16 since our last deposition? 17 A. Yes, sir. 18 Q. Okay. What is that change? 19 A. I work for Judge Derek Hopson as a private 20 investigator. 21 Q. And what is -- Judge Hopson, you said? 22 A. Derek Hopson. 23 Q. Okay. What kind of judge is he? 24 A. Municipal and cit- -- justice court judge. 25 Q. For what -- for what area? </p>

1 A. Coahoma County and the City of Clarksdale.	1 position?
2 Q. Okay. So he's the justice court judge for	2 A. I just resigned.
3 Coahoma County and the City of Clarksdale?	3 Q. Okay. You resigned?
4 A. Yes, sir.	4 A. Yes, sir.
5 Q. And --	5 Q. Was -- did anyone ask you or prompt you to
6 A. Well, he's the municipal court judge for	6 resign?
7 the City of Clarksdale and justice court judge for	7 A. No, sir.
8 the County.	8 Q. Did anyone meet with you regarding your
9 Q. So you do work for both of them?	9 resignation?
10 A. No, I pretty much -- when the detectives	10 A. No, sir.
11 come in and they want him to sign a search warrant,	11 Q. They just -- you just turned in your
12 I'll review over the search warrant to make sure	12 resignation, and nobody said anything, and they just
13 that it's up to par before letting the judge look	13 said, "Fine"?
14 over it and sign his signature. If it's something	14 A. Yes, sir, pretty much, you know, to seek
15 that needs changing, I will tell the detective, you	15 something better.
16 know, "You might need to correct that," you know,	16 Q. You said -- who did you -- who did you turn
17 before moving forward to allow the judge getting a	17 your resignation in to?
18 signature on it and different things that need	18 A. The sheriff.
19 looking into as far as private investigation work.	19 Q. Okay. And what did he say?
20 Q. Okay. Do you actually go out and do any of	20 A. He didn't say nothing, pretty much, you
21 the private investigation yourself?	21 know.
22 A. I do, whatever -- whatever assignment he	22 Q. Okay. Now, how much were you making when
23 has for me to do.	23 you left the police department -- when you left the
24 Q. And what does that entail, when you're	24 sheriff's department?
25 going out and doing the investigation?	25 Sorry.

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1 A. Well, I pretty much do investigations	1 A. About \$19.50-something an hour.
2 that -- for like his clients at his law firm --	2 Q. How much do you make working for the judge?
3 Q. Oh, okay.	3 A. I make like \$18-something an hour.
4 A. -- different things like that.	4 Q. So you took a pay cut?
5 Q. So you're -- you're just working for the	5 A. Yes, sir.
6 judge as an individual, not for the actual County or	6 Q. So -- and what prompted you to just leave
7 City?	7 your job, take a pay cut to work -- from working for
8 A. No.	8 the County to go work for the judge as an
9 Q. No, you're not working for the County and	9 individual?
10 City, or, no, you're --	10 A. Well, right now, my kids' mother, she's in
11 A. I'm -- I'm actually working for the judge	11 RN school.
12 individually.	12 Q. Okay.
13 Q. Okay. That's -- that's what I was trying	13 A. And it'll be -- it'll -- it was beneficial
14 to --	14 for my family --
15 All right. So he just pays you directly	15 Q. Uh-huh.
16 through his law firm or whatever for whatever work	16 A. -- I would say, you know, as far as helping
17 you do for him?	17 her with the kids where she can commit -- fully
18 A. Yes, sir.	18 commit to her studies, because she's not -- she's
19 Q. Okay. How long have you been in that	19 not working right now and attending school. And I'm
20 position?	20 also employed with the City of Jonestown part-time,
21 A. Since I left the sheriff's department.	21 also.
22 Q. When did you leave the sheriff's	22 Q. All right. So you're working as a police
23 department?	23 officer with Jonestown?
24 A. Last month on the 14th.	24 A. Uh-huh.
25 Q. Okay. And what prompted this change of	25 Q. And how far is Jonestown from Clarksdale?

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EXHIBIT A - DEPOSITION OF EDDIE EARL

<p>1 A. Less than five minutes.</p> <p>2 Q. Okay. And how often do you work over</p> <p>3 there?</p> <p>4 A. Pretty much when I -- probably like maybe</p> <p>5 three, four days out of the week when I'm -- when</p> <p>6 I'm not with the judge -- when I get off from the</p> <p>7 judge.</p> <p>8 Q. Okay. Now -- I'm sorry.</p> <p>9 Now, you said that -- how -- how long is</p> <p>10 this job supposed to last with the judge?</p> <p>11 A. Pretty much, you know, as long as he, you</p> <p>12 know -- he'll have me, but I pretty much, you know,</p> <p>13 been working with him day in and day out.</p> <p>14 Q. Okay. And what were -- what are your hours</p> <p>15 when you're working with the judge?</p> <p>16 A. 8:00 to 5:00.</p> <p>17 Q. And then you may go work a few hours for --</p> <p>18 A. Jonestown.</p> <p>19 Q. -- after you get off of that?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And so what time do you usually get off</p> <p>22 from --</p> <p>23 A. From the judge?</p> <p>24 Q. -- from Jonestown?</p> <p>25 A. I'll probably go maybe like around 6:00 and</p>	<p>1 Q. Okay. So you resigned from the sheriff's</p> <p>2 department before you took the position with the --</p> <p>3 the new position?</p> <p>4 A. Well, the day I resigned from the sheriff's</p> <p>5 department, the next day, I was with the judge,</p> <p>6 because I had already been working with him</p> <p>7 part-time in my spare time.</p> <p>8 Q. Okay. So you were working -- so you were</p> <p>9 already working with him part-time?</p> <p>10 A. Yeah, just like going like -- nothing doing</p> <p>11 like private investigation. Like he may have, you</p> <p>12 know -- called me up and say, you know, "I need a</p> <p>13 subpoena" or something served, something to that</p> <p>14 effect.</p> <p>15 Q. Okay. And so you -- you resigned your</p> <p>16 position before you -- before you talked to him</p> <p>17 about the new position, correct?</p> <p>18 A. No. We had already discussed about the --</p> <p>19 the position -- me taking that full-time position</p> <p>20 before I actually resigned.</p> <p>21 Q. Okay. And then after you resigned, he went</p> <p>22 on ahead and --</p> <p>23 A. Yeah, the next day I was with him.</p> <p>24 Q. Okay. And how are your benefits as</p> <p>25 compared to when you were working with Coahoma</p>
<p>Page 14</p> <p>1 work 6:00 to 12:00.</p> <p>2 Q. Okay. So in terms of income, your actual</p> <p>3 income, is your income more or less now than it was</p> <p>4 when you were with the -- with the sheriff's</p> <p>5 department?</p> <p>6 A. I would -- it -- it's more now, you know,</p> <p>7 because I took on the responsibility of that</p> <p>8 part-time job.</p> <p>9 Q. Okay. Did Coahoma County prevent you from</p> <p>10 taking on a part-time job?</p> <p>11 A. The sheriff wouldn't -- he wouldn't let</p> <p>12 none of his investigators have a second job.</p> <p>13 Q. Okay. Now --</p> <p>14 A. Because I tried to work for Jonestown</p> <p>15 before when I was employed with him, and he said no.</p> <p>16 Q. Uh-huh.</p> <p>17 Now, did the judge approach you about this</p> <p>18 position or did you approach him about the new</p> <p>19 position?</p> <p>20 A. Well, he had been asking me about it, doing</p> <p>21 it part-time for him, and --</p> <p>22 Q. Uh-huh.</p> <p>23 A. -- when he found out that I had resigned</p> <p>24 from the sheriff's department, that's when he</p> <p>25 offered me the full-time position.</p>	<p>Page 16</p> <p>1 County?</p> <p>2 A. They're the same. I mean, I still, you</p> <p>3 know, kept my insurance.</p> <p>4 Q. So you still have insurance through the</p> <p>5 County?</p> <p>6 A. Uh-huh.</p> <p>7 Q. How is that?</p> <p>8 A. Like you had an option to where -- well,</p> <p>9 you would just have to pay a little bit more, if</p> <p>10 you --</p> <p>11 Q. Oh.</p> <p>12 A. -- keep it on your own versus, you know,</p> <p>13 you get a certain percentage that you have to pay if</p> <p>14 you're with the employer.</p> <p>15 Q. Oh, so you're COBRA-ing your insurance,</p> <p>16 basically?</p> <p>17 A. Uh-huh.</p> <p>18 Q. Okay. And is that a "yes"?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Okay. Now, what were your hours when you</p> <p>21 were working for Coahoma County?</p> <p>22 A. Oh, they varied. Some days I might work</p> <p>23 8:00 to 5:00; some days I might work 1:00 to 10:00;</p> <p>24 then some days I might work from 5:00 to 1:00.</p> <p>25 Q. And how did that affect -- how did that</p>

1 affect your ability to help your -- the mother of
 2 your children and your children?
 3 A. It was -- it was a hassle, and sometimes it
 4 became too much, because my sleep patterns was
 5 thrown off from time to time. And, sometimes, you
 6 know, I had to make arrangements for my mother to
 7 pick my kids up from school.
 8 And it just -- like I said, just -- just
 9 the changing in the scheduling, I just couldn't get
 10 acclimated with it.
 11 Q. Okay. And how -- how old are your
 12 children?
 13 A. I have one that's five, and I have one
 14 that's three, and then I have one that's four. And
 15 then I have a two-year-old.
 16 Q. Okay. Now, since the change in your
 17 position, what is your routine in terms of the
 18 children?
 19 A. Oh, I'm able to take them to the school and
 20 pick them up, you know, every day now.
 21 Q. Uh-huh. Yeah.
 22 Now that you're -- the kids, what time do
 23 they get out of school?
 24 A. They normally get out around 2:45.
 25 Q. So the -- so when you go to pick them up

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1 Q. And so how would you -- you would define --
 2 how would you define your leaving the sheriff's
 3 department?
 4 Would it -- would you describe it as
 5 amicable?
 6 Would you describe it as amicable? Was it
 7 something where they said, "You're" -- "you're" --
 8 "You are rehired, you can come back anytime," or --
 9 A. Yeah, I can -- I can come back if I wanted
 10 to.
 11 Q. And they -- and they told you that you're
 12 free to come back?
 13 A. Pretty much.
 14 Q. So --
 15 A. Pretty much from my supervisor. I mean, I
 16 don't know about the sheriff. I don't deal directly
 17 with him, but, from my supervisor, he -- the chief
 18 deputy, said, you know, that if I wanted to come
 19 back, I could.
 20 Q. And what's that -- what's that chief
 21 deputy's name?
 22 A. Fernando Bee.
 23 Q. And you say you -- you never spoke with the
 24 sheriff regarding that, correct?
 25 A. No, sir.

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1 while you were -- so your judge will let you go and
 2 pick them up from -- take time off and go pick them
 3 up and -- when you do?
 4 A. Yes, sir.
 5 Q. And then you just drop them off and come
 6 back?
 7 A. Yes, sir, and I take them -- take them on
 8 home -- well, I take them to my grandmother's house,
 9 and then I go back to work. And then once I get
 10 off, I'll pick them up from my grandmother's.
 11 Q. Okay. And what are your -- what hours or
 12 whatever do your mother -- does the mother of your
 13 children -- what hours is she in school with it,
 14 basically?
 15 A. She goes to school at 8:00, and she
 16 normally gets out probably around 3:00.
 17 Q. Okay. And where does she go to school?
 18 A. She attends -- she's in the RN program with
 19 Coahoma Community College.
 20 Q. Okay. And when's her expected graduation?
 21 A. In May.
 22 Q. Okay. And you said up until you just
 23 resigned, no one threatened or asked you to resign
 24 or quit or anything of that nature, correct?
 25 A. No, sir.

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1 Q. All right. How did -- what did you do to
 2 prepare for this deposition today?
 3 A. Nothing. The only thing I can tell you is
 4 from what happened when I -- when I was working
 5 there during the time of the events.
 6 Q. Okay. So no one gave you any documents or
 7 anything like that to review or anything?
 8 A. No, sir.
 9 Q. Okay. And -- now, prior to the date of the
 10 shooting, did you have any interaction with Maurice
 11 Mason?
 12 A. No, sir.
 13 Q. Had you had any contact with Sharon Wade?
 14 A. No, sir.
 15 Q. Had you had any contact with Willie Joe
 16 Safford?
 17 A. No, sir.
 18 Q. Had you had any contact with Ollie Hardmon?
 19 A. No, sir.
 20 Q. Had you had any contact with Ladayton
 21 Williams?
 22 A. No, sir.
 23 Q. Now, according to the report, you had a
 24 confidential informant make a buy at that -- at
 25 907 -- at -- at 907 Pecan Street?

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6 (Pages 18 - 21)

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<p>1 A. I think that's the address. It's in the 2 900 block. I don't know exactly what -- what's -- 3 the address is. It's been sometime now. 4 Q. Okay. We'll just -- we'll just say at -- 5 at the home of Ladayton Williams. 6 Okay? 7 A. Yes, sir. 8 Q. That'd be fine? 9 So you had someone make a buy at the home 10 of Ladayton Williams? 11 A. Yes, sir. 12 Q. And what date -- do you remember what date 13 that was? 14 A. No, sir, I can't recall the date. 15 Q. Do you remember how -- how far was it 16 between the date of the buy and the date that -- 17 that -- that you -- that you went and raided the 18 home? 19 A. I would say probably -- I would say 20 probably in the next day or maybe a couple of days 21 after. 22 Q. Okay. Do you typically have someone watch 23 the home during that time period, between when you 24 -- when you -- when the C- -- when the CI makes the 25 buy and when you actually go in and make -- and do</p>	<p>1 testified in court for you before? 2 A. Yeah, they have. 3 Q. Have this person ever been found to be 4 making untrue statements in a trial or to you? 5 A. No, sir. 6 Q. And what is your procedure for making 7 someone a -- a CI? 8 A. Pretty much, our number one thing is to 9 prove them credible, and to prove -- how to prove 10 them credible is through wearing audio and video 11 surveillance footage and proving them credible and 12 building their credibility that way. 13 Q. Now, the -- the bills that the person used 14 to make the buy, are they marked? 15 A. Yes, sir, and photographed. 16 Q. Okay. And you -- do you mark and -- do you 17 do the same, mark and photograph whatever he buys 18 when -- on that particular day? 19 A. Yeah. Any time I give my informants 20 Coahoma County Sheriff's Office funds, I -- I always 21 take photographs of the funds and write the funds 22 down for the -- for the investigator report to be 23 articulated in court. And that's for every one of 24 my CIs, I do that for. 25 Q. Uh-huh.</p>
<p>Page 22</p> <p>1 the raid? 2 A. No, sir. I -- I only watch the CI at the 3 time when he's doing the undercover operation, and 4 that's for his safety, you know, just if something 5 were to break bad, that I can be there to protect 6 him or her. 7 Q. Okay. Now, that CI, do -- do they -- are 8 they required to wear any audio or visual recording 9 devices? 10 A. Yes, sir. 11 Q. Was there -- was there one on this 12 particular date wearing any? 13 A. Yes, sir. 14 Q. Okay. Do you know who's in possession of 15 those recordings? 16 A. I turned the case in to the district 17 attorney's office, and they should -- they -- they 18 have a copy of everything. 19 Q. Okay. Now, this CI, how many -- how long 20 had you been dealing with this individual? 21 A. I would say probably over two years. 22 Q. And so this person had made multiple buys 23 for you? 24 A. Yes, sir. 25 Q. And had they testified -- they ever</p>	<p>1 Now, what are your methods for identifying 2 whoever the seller of -- -- of whoever you're going 3 to make the buy from? 4 A. Pretty much what I do is I get out and I 5 get in the streets. I gather intel, do knocks on 6 doors, speak with neighbors, you know. I ask 7 different patrol officers, you know, what they see 8 out there, because, pretty much, they are dealing 9 with the general public day in and day out, more 10 than I will -- would. 11 And I pretty much move forward from there. 12 Q. Is that the system used to identify the 13 person who you made the buy from in Ladayton 14 Williams' home? 15 A. Yes, sir. 16 Q. What procedure did you go through to get 17 the search warrant in this particular matter? 18 A. I pretty much -- I make contact with my 19 confidential informant, and that's when the 20 informant advised me that Ladayton was dealing and 21 distributing crack cocaine on Pecan Street out of 22 his residence. And that's when I made contact with 23 Deputy Bilbro, and he and I conducted an undercover 24 operation. 25 We made contact with the confidential</p>

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7 (Pages 22 - 25)

1 informant. The informant was equipped with video
 2 and audio surveillance equipment to conduct the
 3 transaction. And he was also furnished Coahoma
 4 County Sheriff's Office funds to complete the
 5 undercover operation.

6 And after we gave him the funds to
 7 conduct -- him -- I mean gave the CI the funds to
 8 conduct the operation, that's when we got the CI
 9 close by the buy location. And that's when we let
 10 the CI out to attempt to make contact with Ladayton.
 11 The first time the CI went to Ladayton's home, the
 12 CI was advised that Ladayton was in the shower and
 13 to come back.

14 And that's when the CI came back to us, and
 15 we rode around a little bit. And then we put the CI
 16 back out again to make contact with Ladayton, and,
 17 this time, the CI did make contact with Ladayton.

18 And it was -- it was other individuals in
 19 Ladayton's home. They was sitting around a pool
 20 table inside of Ladayton's home, and that's when the
 21 CI purchased crack cocaine from Ladayton. And he
 22 also -- I mean the CI also purchased marijuana from
 23 another individual in Ladayton's home.

24 And after the CI completed the transaction,
 25 that's when the CI came back to Bilbro and I, and

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1 A. Yes, sir. It's policy that you must have
 2 two individuals or more with you at the time of
 3 dealing with any informant.

4 Q. Okay. What -- now, did you have to get any
 5 kind of special permission from above before you
 6 went out to make this buy?

7 A. Yes, sir. I -- I had notified my
 8 supervisor, Chief Deputy Leon Williams, and I was
 9 given the green light to complete the buy.

10 Q. Okay. Now, you said there were other
 11 individuals in the home.

12 Do you know who those other individuals
 13 were?

14 A. I couldn't tell who the other individuals
 15 were in the home at the time, and we had --
 16 actually, when the CI was gone, Bilbro and I went
 17 back to my office. And we looked at the video
 18 footage over and over again.

19 We could make out Ladayton, but the other
 20 individuals, we couldn't make out who they were.

21 Q. Why -- why -- why couldn't you make them
 22 out? Because they were too far from the camera
 23 or --

24 A. I mean, you could see them, but we didn't
 25 know their names. I mean, I didn't know -- I never

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1 that's when the crack cocaine was relinquished over
 2 to me. And I put it in an evidence bag, and, later,
 3 put it in an evidence locker as evidence submission
 4 to be submitted to the crime lab for examination.

5 And, after that crack cocaine was
 6 relinquished over to me, that's when we searched the
 7 CI again and made sure the CI didn't have any
 8 illegal drugs or weapons on him after the
 9 transaction. And we also searched the CI before the
 10 transaction to make sure that the CI don't have any
 11 drugs or illegal weapons on them at the time for
 12 their safety and our safety as well. And after we
 13 took custody of the drug evidence, that's when the
 14 CI was required to do a CI statement, and the CI did
 15 do the statement.

16 And that's when we paid the CI for their
 17 services rendered to the Coahoma County Sheriff's
 18 Office, Narcotic Division.

19 Q. Uh-huh.

20 Now, when you said "we," who is -- who all
 21 was with you at the time?

22 A. At the time of the undercover operation?

23 Q. Yes.

24 A. Deputy Bilbro.

25 Q. So it was just you and Deputy Bilbro?

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1 had interaction with them before.

2 Q. And you said he bought some marijuana from
 3 another individual?

4 A. Yes, sir.

5 Q. Do you know who that individual is?

6 A. I didn't know that individual's name.

7 Q. And do you now know any of those other
 8 individuals' names?

9 A. I still don't know those individuals'
 10 names. The only individual I knew by name was
 11 Ladayton Williams.

12 Q. Okay.

13 A. And that's because I grew up in the same
 14 neighborhood with him, so I've known him since I was
 15 a -- a kid.

16 Q. After that, you -- you went and procured a
 17 warrant?

18 A. Yes, sir. I prepared a search warrant for
 19 that residence. I let my supervisor know that I was
 20 going to prepare a search warrant for that
 21 residence, and I took it to the judge and had the
 22 judge to sign it.

23 And that's when I prepared my ops plan, as
 24 well, to forward to my supervisor and on up to the
 25 sheriff, to let the upper brass know what was about

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EXHIBIT A - DEPOSITION OF EDDIE EARL

<p>1 to go on.</p> <p>2 Q. Okay. When you said to -- to develop your</p> <p>3 ops plan, what was that plan?</p> <p>4 A. The ops plan is just, pretty much, the date</p> <p>5 and time we're going to do the search warrant on the</p> <p>6 residence, what agencies are going to be involved,</p> <p>7 what individuals are going to be involved, pretty</p> <p>8 much -- pretty much, just giving a -- giving the --</p> <p>9 supervising (sic) the sheriff and the other</p> <p>10 individuals who was a part of the raid an idea on</p> <p>11 what we're about to go into, who are the individuals</p> <p>12 we're going after, and what's their name and are</p> <p>13 (sic) they appear to be violent, are any animals in</p> <p>14 the home or any children in the home.</p> <p>15 Pretty much just a -- me doing my general</p> <p>16 homework on it and forwarding it up to them.</p> <p>17 Q. Okay. Now, when the CI was -- now, did the</p> <p>18 CI actually enter the home or was he just outside</p> <p>19 the home, looking in?</p> <p>20 A. No. He actually went inside the home and</p> <p>21 made it past the front -- the front room and made it</p> <p>22 into the game room. I would say it was a game room.</p> <p>23 I mean, he had a pool table, but I don't know what</p> <p>24 he calls it.</p> <p>25 Q. Okay. So he actually entered the home and</p>	<p>1 Q. And have you had any -- have you ever heard</p> <p>2 of any inter- -- any -- any incidences where</p> <p>3 Mr. Williams was brandishing a gun, using a gun, had</p> <p>4 any weapons against anyone?</p> <p>5 A. No.</p> <p>6 Q. Okay. The same question regarding the</p> <p>7 other people in the home. Had you had any</p> <p>8 information or intel where any of the other people</p> <p>9 had tried to use a gun to commit violence against</p> <p>10 anyone?</p> <p>11 A. No, sir.</p> <p>12 Q. Okay. Now, in terms of Chief Deputy</p> <p>13 Williams, he's no longer with Coahoma County,</p> <p>14 correct?</p> <p>15 A. No, he resigned, also. He's in New -- he's</p> <p>16 in some part of New Guinea, doing security work</p> <p>17 overseas.</p> <p>18 Q. Okay. So he left Coahoma County and then</p> <p>19 went to work in -- overseas?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Do you know what prompted him to do that?</p> <p>22 A. I -- I can't say. I mean, pretty much like</p> <p>23 a -- a little shortly after that, he -- he told me</p> <p>24 that, you know -- that he was going to resign and go</p> <p>25 home, going to be with his family, and that he was</p>
<p style="text-align: right;">Page 30</p> <p>1 then -- now, that -- when he bought the -- when he</p> <p>2 allegedly bought the drugs, did he buy them up front</p> <p>3 or he was back there in this back room that you were</p> <p>4 talking about when he made the purchase?</p> <p>5 A. To my knowledge, I recall them being in the</p> <p>6 game room.</p> <p>7 Q. Okay. So if you -- so he basically --</p> <p>8 through his camera, you could pretty much see the</p> <p>9 layout of the whole home, correct?</p> <p>10 A. Yes, sir. To the -- from the front room up</p> <p>11 to -- to what I would say the game room, I -- I knew</p> <p>12 the layout of that part.</p> <p>13 Q. Okay. Now, when he was in the home, did</p> <p>14 you see any weapons of any kind in there?</p> <p>15 A. I did not.</p> <p>16 Q. Did he tell you that he saw any weapons in</p> <p>17 the home?</p> <p>18 A. I asked him were there any weapons in the</p> <p>19 home, and he stated -- the CI stated no.</p> <p>20 Q. Okay. Now, had you -- you say you had no</p> <p>21 other interactions prior to this with Mr. Williams,</p> <p>22 correct?</p> <p>23 A. No, sir. I -- I mean, I see him all the</p> <p>24 time, because his mother stay in the same</p> <p>25 neighborhood as my grandmother.</p>	<p style="text-align: right;">Page 32</p> <p>1 looking to go overseas to find work. And he was</p> <p>2 like, pretty much, things wasn't just working out</p> <p>3 there.</p> <p>4 Q. Now, do you know if he voluntarily resigned</p> <p>5 the position or was he asked to leave or any- -- do</p> <p>6 you know?</p> <p>7 A. I can't say. I -- I -- I wouldn't know. I</p> <p>8 mean, the --</p> <p>9 Q. Okay.</p> <p>10 A. -- only thing I -- the only -- I never got</p> <p>11 in his personal business like that. I mean, it was</p> <p>12 just pretty much, you know, supervisor and worker.</p> <p>13 Q. So soon as -- but as soon as this right</p> <p>14 here -- as soon as this case happened regarding</p> <p>15 Mr. Mason, he -- how long after that did he put in</p> <p>16 his resignation?</p> <p>17 A. I'll say like a couple of weeks up to a</p> <p>18 month.</p> <p>19 Q. So -- and did you -- you never spoke with</p> <p>20 him at all regarding why he was leaving, or he never</p> <p>21 said anything to you about, "Hey, I'm leaving; hey,</p> <p>22 nobody asking me to leave," or anything like that?</p> <p>23 A. No. I -- he used to always talk to me</p> <p>24 about going back overseas, doing security work,</p> <p>25 because he was doing that before he came to the</p>

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<p>1 sheriff's department. And he just pretty much was 2 telling me, you know, "One day, I'll" -- you know, 3 "You'll look up, and I'll be gone, you know. I'm 4 just passing through here. I'm not here to stay." 5 Q. Oh, okay. 6 A. That's pretty much what he used to tell me, 7 you know -- you know, "Learn what you can learn from 8 me, because, you know, I'm not going to be here 9 long. I might decide any day and call the sheriff, 10 you know, and say, 'Hey, you know, I'm done.'" 11 Q. Okay. Did -- did he have any -- did he 12 have a wife and children? 13 A. Yeah, he has a wife and children. 14 Q. And how old -- were his children young or 15 older? 16 A. No. All of his children are grown. 17 Q. Oh. So did they -- they still here or did 18 they leave and go overseas with him? 19 A. One of his sons works for Oxford Police 20 Department, and two of his daughters are -- are 21 nurses. And his wife is the -- she's a -- a 22 secretary for the president of the community 23 college, Coahoma Community College. 24 Q. Oh. So she's -- she's still here? 25 A. Uh-huh.</p>	Page 34	Page 36
<p>1 Q. So his home is still here; he just -- 2 A. Yes, sir. 3 Q. -- him personally is just overseas 4 somewhere? 5 A. He contracts over there probably like a 6 couple of months up to a year. 7 Q. And when is the last time you had any 8 communication with Chief Deputy Williams? 9 A. I talked to him maybe like a month or so 10 back -- back, and he would -- he had just come back 11 into the States. 12 Q. Okay. And is he -- is he here now or is he 13 gone or do you know -- do you know? 14 A. He was going back overseas. He had came 15 back because we had some drug cases going forward 16 and he was subpoenaed. They had subpoenaed him 17 before he even got a chance to leave. 18 Q. Okay. Who -- who subpoenaed him? 19 A. Stephanie Brown, the -- one of the DA -- 20 ADAs. 21 Q. And so he -- so he was able -- they were 22 able to give him a subpoena, and he was able to come 23 back? 24 A. Yeah. He came back, but they didn't go 25 forward with the case. They went forward with</p>	<p>1 Q. Okay. Now, the meeting prior to this -- 2 going to the home of Ladayton Williams, who all was 3 there? 4 A. Otha Hunter, Demetria Moore, Marcus Cohen, 5 Eric Bilbro, Leon Williams, Johnny Jones, and 6 Fern- -- and Chief Fernando Harris. 7 Q. And those last two people, they work for 8 the City of Clarksdale? 9 A. Yes, sir. 10 Q. Okay. And what were the assignments that 11 each person was supposed to have when they got to 12 the home? 13 A. Myself, Eric Bilbro, Marcus Cohen, and Otha 14 Hunter, we was a part of the breach team, and Deputy 15 Moore, Tracy Vance, Johnny Jones, and Chief Harris 16 and Leon, they was all -- they was going outer 17 perimeter. 18 Q. Now, what was -- what was each person's -- 19 in the breach team, what was each person's duty? 20 A. Otha was the ram man. Cohen was the 21 shield. I was the pick, and Bilbro would have been 22 the -- Bilbro would have been the first person in. 23 Q. Okay. Now, tell me what each one of those 24 people were supposed to do. 25 I understand you had a term, but --</p>	Page 35

<p>1 A. Oh. Well, Mar- -- I mean Hunter is the 2 breacher. He pretty much rams the door to allow us 3 to gain entry. 4 Q. Uh-huh. 5 A. And once he rams -- breaches the door, then 6 he gets out of the way so that we can get in, and 7 he's the last man in. And Cohen is the shield guy. 8 He pretty much leads us in. 9 And then Bilbro would be after him, which 10 we call the first man in, and then I would be the 11 second. And then Hunter will be following up behind 12 me. 13 Q. Now, did anyone from City of Clarksdale 14 enter the home? 15 A. It probably could have been after, but not 16 at the time of the -- of the breach. 17 Q. Uh-huh. 18 So was anyone wearing any audio or video 19 surveillance equipment? 20 A. Now, Clarksdale, all of they -- their whole 21 agency is body cammed. 22 Q. Okay. 23 A. But -- now, Johnny Jones may have filled in 24 the stack behind Otha, you know. I -- but I 25 can't -- I can't say.</p>	<p>1 shield in his hand. 2 Q. Okay. And did anyone else have any -- what 3 weapon were you carrying at the time? 4 A. I had a pick. The pick in my hand. 5 Q. So you never pulled your weapon? 6 A. I mean, I had it in my hand. I had it in 7 my hand. 8 Q. Okay. But -- but what kind of weapon was 9 that? 10 A. A Glock 9 millimeter. Our agency carries 11 Glock 9 millimeters. 12 Q. All right. And so I assume that Officer 13 Hunter -- that's the same kind of weapon that he 14 had? 15 A. Yes, sir. 16 Q. Okay. Now, who all did you actually see 17 fire a weapon on that particular day? 18 A. I actually couldn't see any of them. I 19 didn't see Bilbro nor Cohen fire a weapon. Once 20 they entered the residence, I was stopped like right 21 in the doorframe. And when Bilbro and Cohen entered 22 the residence, I heard a single shot. 23 And I can't say where it came from, but it 24 come from out of the residence. And that's when I 25 heard multiple shots, and I could see Bilbro's</p>
<p>Page 38</p> <p>1 Q. What -- 2 A. Because I didn't see him. 3 Q. Okay. Now -- so the order the -- now, tell 4 me the particular order that people actually entered 5 the home. 6 A. Otha was the first one up, and he breached 7 the door and got out the way, then Cohen, then 8 Bilbro, and then -- it stopped right there with me. 9 But I never got a chance to get in the house because 10 I was stopped right in the doorframe. 11 Q. Okay. Now, what did -- what did Officer 12 Bilbro -- Deputy Bilbro -- I'm sorry -- have in his 13 hands at the time he went in -- in terms of 14 equipment when he went into the home? 15 A. He had his -- he had his firearm in his 16 hand. 17 Q. What type of firearm was that? 18 A. It's a handgun. It would be Glock 9 19 millimeter. 20 Q. Okay. And Deputy Cohen, what -- 21 A. Glock. 22 Q. -- did he have? 23 Did he have anything else, other than the 24 Glock? 25 A. I want to say he had the shield -- the</p>	<p>Page 40</p> <p>1 attention and Cohen's attention had shifted towards 2 the right side of the residence. 3 But I couldn't see what they -- what they 4 saw because I had a brick wall, you know, from the 5 outside of the house, obstructing my view. So what 6 they locked eyes on, I -- I couldn't see until I 7 actually, you know, kind of nudged Bilbro, you know, 8 to go, go, because I was stuck in the doorway. 9 And if someone was firing out the 10 residence, I never could see it coming because I'm 11 still outside, you know, trying to come in. 12 Q. Okay. 13 A. And once we finally got in, that's when I 14 told Bilbro, "Go, go, go," and we went straight 15 ahead and made a left. Bilbro and Cohen went 16 straight ahead and made contact with an individual 17 in the bedroom, and I broke left and made contact 18 with an older guy named Ollie -- Olive or -- Ollie 19 Hardmon. 20 And that's pretty much all I did, and, once 21 I was coming out with Mr. Ollie, that's when I could 22 see a -- a male subject on the ground over there. 23 And that's when I could see Otha, you know, 24 rendering aid to him, and, after I got Mr. Olive 25 (sic) out of the residence and gave him to the outer</p>

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EXHIBIT A - DEPOSITION OF EDDIE EARL

1 perimeter, I come back in. And that's when I saw 2 him rendering aid to Mr. Mason. 3 Q. Now, you say you heard a -- a -- a single 4 shot, but you don't know where it -- you just know 5 it was from inside the home? 6 A. Yeah, I just know it was inside the home, 7 because I was still outside the home. 8 Q. Uh-huh. 9 A. And I just heard a single shot. 10 Q. Uh-huh. 11 A. And then I heard multiple shots. 12 Q. Uh-huh. 13 A. But where I was, if I, you know -- I'm -- 14 I'm -- what -- what they locked eyes on on the right 15 side of the home, I couldn't see it because I was 16 still outside. And the only thing I could see was 17 the brick wall on the outside of the house. 18 Q. Okay. Now, how far were you from Officer 19 Cohen and Officer Bilbro? 20 A. Probably from me to the court reporter 21 (indicating). 22 Q. So -- 23 A. That's how close I was on Bilbro. 24 Q. -- so we're going to say 3 feet? 25 A. No. Probably within arm's reach.	1 Q. So -- 2 A. It sounded like it was close. 3 Q. -- so it sounded like it was close. 4 Okay. Now, when you entered the home, how 5 far was -- was -- how far was it between the door 6 and the male subject that you saw on the floor? 7 A. Probably from where I'm seated to the 8 television back there (indicating). 9 Q. So I'm -- I'm going to say about 10 feet? 10 A. Yes, sir. 11 Q. Okay. Now, after that, you had a chance to 12 search the home, or did -- 13 A. At -- 14 Q. -- some- -- 15 A. -- at -- 16 Q. -- -one -- 17 A. -- at that time, well, I was trying to get 18 the home secured -- 19 Q. Uh-huh. 20 A. -- to make sure, you know, that no one else 21 was inside the residence, was a threat to us 22 anymore. 23 Q. Uh-huh. 24 A. And once the home was secured, then I -- I 25 was advised, you know, after Mr. Mason was shot to
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1 Q. So 2 feet? 2 A. Yes, sir. 3 Q. All right. Because, you know, when you say 4 that -- a certain distance -- when you say from you 5 to the court reporter, they -- 6 A. Oh. 7 Q. -- the record don't understand -- 8 A. Yes -- 9 Q. -- that. 10 A. -- sir. 11 Q. So -- so you were about 2 feet from Cohen? 12 A. Yes -- 13 Q. How -- 14 A. -- sir. 15 Q. -- how far were -- were you from -- from 16 Deputy Bilbro? 17 A. Probably less than a foot from him. 18 Q. So you were right next to both of them, 19 basically? 20 A. Yes, sir. I was like right up on them. 21 Q. Okay. Now -- and you said you heard -- 22 there was a single shot. 23 How far did it sound like the single shot 24 was coming -- or was away from you? 25 A. It was close.	1 not search the home, to contact the Mississippi 2 Bureau of Investigations. 3 Q. Uh-huh. 4 A. Then once they made it to the scene, they 5 advised, you know, "Well, let us do our 6 investigation first, and then we'll go back through 7 the home with you, and let you search for the 8 narcotics." 9 Q. Uh-huh. 10 So -- now, you had a chance to secure the 11 home before anyone left, correct? 12 A. Yes, sir. 13 Q. In your opinion, would anyone have an 14 opportunity to hide something outside the home in 15 the time it took you to -- between the time it took 16 you to enter the home and when you secured it? 17 A. No. 18 Q. Okay. So if there was a -- a -- any 19 additional weapons in the vicinity, you would have 20 found it in the home? 21 A. Yes, sir. 22 Q. Okay. Did you -- or did anyone that you 23 know of find any weapons in the home that did not 24 belong to the Coahoma County Sheriff's Department 25 officers?
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<p>1 A. No, sir.</p> <p>2 Q. Okay. Now, do you know how many shots were</p> <p>3 taken by Officer Cohen?</p> <p>4 A. I ain't -- I ain't even know he shot.</p> <p>5 Q. Okay. So you were -- you said you were 2</p> <p>6 feet away from him, and you don't -- you -- you</p> <p>7 didn't know if he shot or not?</p> <p>8 A. I -- like I said, you -- where I was, I was</p> <p>9 -- when -- it's like a step up into the house.</p> <p>10 Q. Uh-huh.</p> <p>11 A. When Bilbro stepped up, you know, I'm</p> <p>12 still -- I'm still down, so his back is blocking my</p> <p>13 view. But once he actually stepped in -- he stepped</p> <p>14 in and turned.</p> <p>15 Q. Uh-huh.</p> <p>16 A. And I could see them lock eyes on</p> <p>17 something, but I don't know what they saw.</p> <p>18 Q. Uh-huh.</p> <p>19 A. And, at this point, when I'm hearing the</p> <p>20 shots, I'm steady nudging him, you know, to -- to go</p> <p>21 so I can get in the house. Just in case somebody</p> <p>22 started to return fire, you know, at me, that I can</p> <p>23 see where it's coming from, but, at this point, I</p> <p>24 couldn't see nothing.</p> <p>25 Q. Now, do you know how many shots</p>	Page 46	<p>1 Q. Pretty much is?</p> <p>2 A. I -- I prepared it, and then I forwarded it</p> <p>3 up to my supervisor. And he'll --</p> <p>4 Q. Okay.</p> <p>5 A. -- say, "Yes, you know, I want this person</p> <p>6 to do this," or "No, I don't" -- "We need to change</p> <p>7 this."</p> <p>8 Q. Okay. Now, you -- so did everyone do</p> <p>9 everything according to how the plan was laid out?</p> <p>10 A. Every- -- the -- the execution, yeah. Yes,</p> <p>11 sir, I would say.</p> <p>12 Q. So is there something that went -- that</p> <p>13 happened in a -- in a way that you don't think was</p> <p>14 appropriate?</p> <p>15 A. Meaning?</p> <p>16 Q. Meaning however you want that to mean.</p> <p>17 Did -- did everything go according to how</p> <p>18 you wanted it to go?</p> <p>19 A. No.</p> <p>20 Q. Why not?</p> <p>21 A. Because an individual was shot.</p> <p>22 Q. Okay. Now -- and in -- in terms of -- what</p> <p>23 do you think could have happened differently?</p> <p>24 A. I would say maybe the timing.</p> <p>25 Q. Explain that.</p>	Page 48
<p>1 Deputy Bilbro took?</p> <p>2 A. I -- I don't know how many shots that he</p> <p>3 fired.</p> <p>4 Q. Okay. So you don't -- all right. Now, did</p> <p>5 anyone -- did either one of them say anything to you</p> <p>6 about firing any -- any shots?</p> <p>7 A. No, sir. Once I nudged him, pretty much,</p> <p>8 to go, that's when he went on ahead and went.</p> <p>9 Q. Have you had any discussions with them</p> <p>10 after this regarding this incident?</p> <p>11 A. No, sir.</p> <p>12 Q. Okay. Now, I was told that Officer Cohen</p> <p>13 and Officer Bilbro, after this, took it upon</p> <p>14 themselves -- I think they took their own personal</p> <p>15 time and their own personal money and went and got</p> <p>16 some additional training on breaching of homes.</p> <p>17 Were you aware of that?</p> <p>18 A. No, I was not.</p> <p>19 Q. So they never asked you about going and</p> <p>20 never made any mention to you of it?</p> <p>21 A. No, not about no training.</p> <p>22 Q. Okay. Now, you developed a plan -- who --</p> <p>23 you developed a plan on how everyone was supposed to</p> <p>24 go in the home, correct?</p> <p>25 A. Pretty much.</p>	Page 47	<p>1 And what do you mean in terms of timing?</p> <p>2 A. More lighting.</p> <p>3 Q. Okay. By whom?</p> <p>4 A. Sir?</p> <p>5 Q. By whom?</p> <p>6 A. No.</p> <p>7 Q. Who the --</p> <p>8 A. No, I'm saying by more lighting, like the</p> <p>9 time of the -- time of day.</p> <p>10 Q. Okay. So you think it would have been</p> <p>11 better if it had been done in the daytime?</p> <p>12 A. No. I would say probably when the sun is</p> <p>13 coming up.</p> <p>14 Q. Uh-huh.</p> <p>15 Now, is there a -- a procedure for having</p> <p>16 better lighting when you're going and doing night</p> <p>17 breaches?</p> <p>18 A. It just depends -- it depends, the best</p> <p>19 time to catch the individuals at the home.</p> <p>20 Q. Uh-huh.</p> <p>21 A. That's the time that I normally would do my</p> <p>22 raids. I pretty much kind of do surveillance on the</p> <p>23 home, seeing when he's leaving or when he's coming</p> <p>24 or who's coming to the house and different things of</p> <p>25 that nature.</p>	Page 49

13 (Pages 46 - 49)

<p>1 That's the point of the ops plan, to see 2 what time of day he's -- the most foot traffic or 3 when he doesn't have any foot traffic or when he's 4 confined to the home. And before I do a raid, I 5 always do a drive-by on the house to make sure that 6 the bad guy vehicle is there, or if it's something 7 out of the ordinary that's different than from what 8 I seen at the time of the buy.</p> <p>9 Q. Do you talk to the people who live around 10 the home?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Now, on the -- in this particular 13 situation, did any of those people tell you that 14 they had seen somebody like use weapons in the home 15 or any instances of violence at that home?</p> <p>16 A. No, sir. The only thing I was advised that 17 Ladayton has a lot of foot traffic, and he was known 18 for distributing narcotics.</p> <p>19 Q. Uh-huh.</p> <p>20 Now, who all was inside the home?</p> <p>21 A. The only one I -- that I came in contact 22 with?</p> <p>23 Q. Yes.</p> <p>24 A. I just saw Olive Hardmon, the -- Willie Joe 25 Saffo (sic), and Mr. Mason and Ladayton --</p>	Page 50	<p>1 Q. Okay. So they were in the back, well away 2 from where you were?</p> <p>3 A. Yes, sir.</p> <p>4 Q. So the only person who was in that area 5 when you first come into the home is a person who, I 6 guess, later was identified as Mr. Maurice Mason?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And did you have a chance to examine, even 9 with your eyes, his -- his body?</p> <p>10 A. Who?</p> <p>11 Q. Mr. Maurice Mason.</p> <p>12 A. I just saw him bleeding profusely, and 13 that's it.</p> <p>14 Q. Do you know what caused that?</p> <p>15 A. I guess as a result of the -- the -- the 16 gunshot that I heard.</p> <p>17 Q. Okay. Prior to going in the home, what 18 kind of details did you have regarding the layout of 19 the home?</p> <p>20 A. The only layout I could give was where -- 21 where the CI went, and that was it. And I was 22 advised that he had five or six pit bull dogs in the 23 back of the residence.</p> <p>24 Q. And none of those dogs were -- those dogs 25 were -- they --</p>	Page 52
<p>1 Q. Okay.</p> <p>2 A. -- and the female subject.</p> <p>3 What's her name?</p> <p>4 Q. Is it Sharon -- Sharon Wade?</p> <p>5 A. Yeah, that's her name.</p> <p>6 Q. Okay. Do you know where each one of the 7 people were when they were found in the home?</p> <p>8 A. What I could say that Olive and Willie Joe 9 Saffo was in the front of the residence. Mr. Mason 10 was in the front room. Ladayton and Sharon was in 11 his bedroom.</p> <p>12 Q. Now, when you said that -- Mr. Staffo (sic) 13 and Mr. --</p> <p>14 A. Olive.</p> <p>15 Q. -- Ollie were up front, were they in a room 16 up front, or were they just --</p> <p>17 A. In bedrooms up front.</p> <p>18 Q. Okay. They were in bedrooms up front, 19 where the door is closed?</p> <p>20 A. Yes, sir.</p> <p>21 Q. So the doors -- when you came in, the doors 22 were closed, and they were inside in the rooms. And 23 the -- and were there rooms to where Mr. Williams 24 and Ms. Wade -- do you know if they were close?</p> <p>25 A. No. They was at the back of the residence.</p>	Page 51	<p>1 A. They was like -- it's -- they was all 2 spaced out all across the backyard, like he had one 3 over here (indicating) and one over there 4 (indicating) and one there (indicating) and one 5 there (indicating), one on the other side of the 6 house.</p> <p>7 Q. Okay. Were they like in their own 8 individual kennels, or was it just a wide open space 9 or how?</p> <p>10 A. Some of them had their own kennels, 11 homemade kennels, and the dogs was -- they was 12 attached to a -- the chains was so thick on the 13 dogs, it was like a car chain, where the dogs were 14 restrained with.</p> <p>15 Q. Oh. So all the dogs were restrained?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And how many dogs was it?</p> <p>18 A. About five.</p> <p>19 Q. Uh-huh.</p> <p>20 And, at the time that you breached the 21 home, they had -- the dogs had no way to enter the 22 home?</p> <p>23 A. No, sir.</p> <p>24 Q. Now, do you have a procedure for an officer 25 when they're coming in to have like lights or -- on</p>	Page 53

14 (Pages 50 - 53)

1 their person or a flash- -- or flashlights in their
 2 hands when they're coming in to do a breach at
 3 night?
 4 A. We all have our own individual lights.
 5 Some of them have lights on the guns.
 6 Q. Now, did anybody have a light on their gun
 7 on this particular day?
 8 A. I think Bilbro and Cohen did.
 9 Q. Did anyone have any -- so I guess, did they
 10 have a flashlight or anything like that besides that
 11 light on their gun?
 12 A. Yes, sir.
 13 Q. Were they using them at the time they went
 14 into the home?
 15 A. I can't say, because, like I said, I was --
 16 I was behind them.
 17 Q. Okay. And who was in charge of the actual
 18 breach?
 19 A. Who was in charge of it?
 20 Q. Yes.
 21 A. Otha was the breach.
 22 Q. I'm saying who was the person in charge of
 23 everyone who was --
 24 A. Oh, Chief Deputy Leon Williams.
 25 Q. Okay. So he was the person who was in

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1 A. Once he knocked, I announced, you know, and
 2 everybody started saying, "Sheriff's department,
 3 search warrant. Sheriff's department, search
 4 warrant." Then --
 5 Q. And --
 6 A. -- that's when the blue lights and siren
 7 was activated.
 8 Q. Okay. So -- so when you get to the door,
 9 Cohen starts to knock, and, at that same -- and at
 10 -- about the same time or at the -- stop me if I'm
 11 wrong -- at the same time, people say -- everyone
 12 yells out --
 13 A. Pretty much it was like (indicating),
 14 "Sheriff's department, search warrant. Sheriff's
 15 department, search warrant." Then the blue lights
 16 and siren kicked on.
 17 Q. And then you hit --
 18 A. Then --
 19 Q. -- the --
 20 A. -- the -- then the door was breached.
 21 Q. Okay. How long was it between the time
 22 that you knocked and the time of the breach of the
 23 door?
 24 A. I didn't knock.
 25 Q. Well, the time Cohen knocked and breached

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1 charge of it. And --
 2 A. Yes, sir, he was the immediate supervisor
 3 for everybody.
 4 Q. Had you ever been to the home on Pecan
 5 Street prior to the shooting of Mr. Mason?
 6 A. Never.
 7 Q. Did you ever have any chance to review --
 8 besides your CI video, did you review any other
 9 video or audio from that particular incident?
 10 A. No, sir.
 11 Q. Now, when you got to the door, what -- what
 12 exactly did you do when you first got to the door?
 13 A. I wasn't the first person on the floor,
 14 so --
 15 Q. Did anyone knock on the door?
 16 A. Yeah, we knocked and announced.
 17 Q. Well, who knocked on the door?
 18 A. I have to say either Cohen or -- or -- had
 19 to have been Cohen because he was the first person
 20 up, and the -- Hunter had the ram in his hand. So
 21 both of his hands was on the ram.
 22 Q. So -- so Cohen -- you believe Cohen was the
 23 person who knocked on the door?
 24 A. Yes, sir.
 25 Q. Who announced?

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1 the door?
 2 A. Probably less than some seconds.
 3 Q. Okay. So you don't know if Mr. Mason made
 4 any kind of movement or what Mr. Mason did before --
 5 prior to being -- prior to being shot, correct?
 6 A. No, sir.
 7 Q. Because yous (sic) -- as you said, you were
 8 behind Officer Cohen -- I mean Deputy Cohen?
 9 A. Bilbro.
 10 Q. Bilbro.
 11 All right. You were behind Deputy Bilbro?
 12 A. Yeah, it was Cohen, then Bilbro, then me.
 13 Q. Okay. And by the time -- the first time --
 14 the first time you saw Mr. Mason, he was already on
 15 the floor?
 16 A. Yes, sir.
 17 Q. And beating -- bleeding profusely, as you
 18 said earlier?
 19 A. Yes, sir.
 20 Q. So no one would have an opportunity before
 21 -- between the time that you knock and the time that
 22 the ram hits the door to actually come and open the
 23 door?
 24 A. No, sir.
 25 Q. And this is the same procedure you use for

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15 (Pages 54 - 57)

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<p>1 all your raids?</p> <p>2 A. Yes, sir.</p> <p>3 Well, the only person I could say that</p> <p>4 probably had the opportunity to come to the door was</p> <p>5 Mr. Mason because he was inside of that front room</p> <p>6 on the couch. So he had an opportunity to open the</p> <p>7 door.</p> <p>8 Q. But you -- but you earlier said that there</p> <p>9 was a couple of seconds between the time that you</p> <p>10 knocked and the time the ram hit the door?</p> <p>11 A. Yeah, like within a couple of seconds.</p> <p>12 Q. So would that legitimately give him enough</p> <p>13 time to get up and come to the door?</p> <p>14 A. From where he was seated, I would say yeah.</p> <p>15 Q. Okay. So after Officer Bilbro and -- and</p> <p>16 Cohen -- and Cohen came -- entered the home, they</p> <p>17 stopped?</p> <p>18 A. Yeah, they kind of came to a stop, and they</p> <p>19 (sic) attention was focused on some sort of target</p> <p>20 on the right side of the home.</p> <p>21 Q. Did any of the other -- other deputies or</p> <p>22 officers say anything to you after they entered the</p> <p>23 home?</p> <p>24 A. No.</p> <p>25 Q. Who was in possession of the actual warrant</p>	Page 58	<p>1 following this or any other -- other breaches?</p> <p>2 A. No, sir.</p> <p>3 Q. And who trained you for Coahoma County on</p> <p>4 how to do breaches?</p> <p>5 A. I was trained prior to getting there. I</p> <p>6 was a part of Clarksdale Police Department SWAT</p> <p>7 team. I was a SWAT member.</p> <p>8 Q. Okay. And who trained you when you was</p> <p>9 over at Clarksdale?</p> <p>10 A. Captain Ricky Bridges, Commander Nicholas</p> <p>11 Walsh, and Commander Vincent Ramirez.</p> <p>12 Q. And what kind of training did that -- did</p> <p>13 they give you?</p> <p>14 A. Pretty much how to breach a residence, how</p> <p>15 to enter a residence, what's a safe way to hold</p> <p>16 your -- your firearm if you're in a -- in a stack,</p> <p>17 and different things like that. We also did</p> <p>18 low-light breaching, and we did lit breaching.</p> <p>19 Q. Okay. And what was the -- what was the</p> <p>20 procedure for low-light breaches?</p> <p>21 A. Low-light breaches, we had -- we had --</p> <p>22 actually had lights on our shield, and we had blue</p> <p>23 lights on the bottom. And then we had two huge</p> <p>24 lights on the front of it that pretty much can light</p> <p>25 up an entire room.</p>	Page 60
<p>1 on that -- for that particular raid?</p> <p>2 A. I had -- I had a copy of it.</p> <p>3 Q. Okay. And what did -- what was the warrant</p> <p>4 for exactly?</p> <p>5 A. To search for illegal narcotics.</p> <p>6 Q. At --</p> <p>7 A. At Ladayton's residence.</p> <p>8 Q. Do you think the other deputies could have</p> <p>9 done something differently to prevent Mr. Mason from</p> <p>10 being shot?</p> <p>11 A. I can't say what they -- they could have</p> <p>12 did differently. I can only say what I could have</p> <p>13 did.</p> <p>14 Q. What could you have done?</p> <p>15 A. I did what I was supposed to have been</p> <p>16 done.</p> <p>17 Q. So you couldn't have done anything</p> <p>18 differently, and you don't know if they could have</p> <p>19 done anything differently?</p> <p>20 A. I can't say what they would have done.</p> <p>21 I -- what I -- what I did, you know, I -- I -- I did</p> <p>22 what I was -- what I was -- the tasks that I had</p> <p>23 laid out to do.</p> <p>24 Q. Did they ever offer any additional training</p> <p>25 through Coahoma County Sheriff's Department</p>	Page 59	<p>1 Q. Kind of like --</p> <p>2 A. And --</p> <p>3 Q. -- LE- --</p> <p>4 A. -- it --</p> <p>5 Q. -- -D --</p> <p>6 A. -- had --</p> <p>7 Q. -- lights?</p> <p>8 A. Yes, sir. And it had "police department"</p> <p>9 on the front of the shield.</p> <p>10 Q. Now, did they have those kind of shields</p> <p>11 over at Coahoma County?</p> <p>12 A. Yeah, they have a shield with the -- the</p> <p>13 two lights on the side and "sheriff department"</p> <p>14 written on the -- on the shield.</p> <p>15 Q. Well, did the off- -- did the deputies have</p> <p>16 those particular kind of shields on the night of</p> <p>17 this breach?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Were there lights on them?</p> <p>20 A. I -- I can't say. Like I said, if you --</p> <p>21 it's a light -- when -- well, from one -- me looking</p> <p>22 at it, it's a button, and if he's holding it, when</p> <p>23 he comes in, he can squeeze that button to where he</p> <p>24 don't have to reach around and grab his flashlight</p> <p>25 off his shoulder.</p>	Page 61

16 (Pages 58 - 61)

<p>1 Q. So they come equipped with the lighting, 2 but you don't know if it was on or not? 3 A. No, sir, I don't know if it was on. 4 Q. Did you see any lights in front of you? 5 A. I could see some lights inside of the 6 residence once they stepped in. 7 Q. But did you see -- 8 A. But -- 9 Q. -- any light coming from -- emanating from 10 that shield from where Officer Cohen was in front of 11 you? 12 A. No. Because Cohen, you know -- Cohen is a 13 big guy. He's probably about -- every bit of about 14 6'7" and probably weighing almost over 280-something 15 pounds. So he's a big guy, and Bilbro is like 6'6". 16 So if I'm standing down and they take a step up to 17 step up in the house, I can't see anything. 18 Q. Okay. Besides this particular shooting, 19 were you involved in any other shooting with -- when 20 you were with the Coahoma County Sheriff's 21 Department that I -- we hadn't discussed either now 22 or in our prior depositions? 23 A. Talking about where I -- where I shot 24 someone -- I mean, where I -- 25 Q. That --</p>	Page 62	<p>1 A. No, sir. 2 Q. Okay. 3 A. The only person that was charged in 4 reference to the raid was -- was Ladayton -- 5 Q. Uh-huh. 6 A. -- Ladayton Williams, and that was for 7 possession of crack cocaine with intent to 8 distribute. 9 Q. Okay. Is that case still pending? 10 A. It's been turned over to the district 11 attorney's office for indictment. 12 Q. Uh-huh. 13 Now, do you feel that there's any 14 additional training that they could have done with 15 Coahoma County that would have prevented this 16 shooting? 17 A. I could say they could have gave us more 18 narcotic and SWAT training, but every time we used 19 to ask for it, they always -- we was -- Cohen had 20 signed us up for a couple of classes, and all the 21 classes that he ever turned in for us to go to, they 22 denied them. 23 Q. So y'all asked -- the -- the -- you asked 24 for additional training, but Coahoma County just 25 wouldn't send you to it?</p>	Page 64
<p>1 A. -- was -- 2 Q. -- you were involved in, not that you 3 actually shot anyone. 4 A. I'll say probably about three before this 5 one -- no, just three. 6 Q. And -- and did we discuss all of those in 7 your prior deposition as well? 8 A. Yes, sir. 9 Q. Okay. Now, who called for -- 10 Scratch that. 11 Did -- where did -- where did Mr. Mason go 12 after this -- after the scene was cleared? 13 A. To seek medical attention. 14 Q. How did he go there? 15 A. By ambulance. 16 Q. Do you know what ambulance system took -- 17 took him? 18 A. Pafford. Pafford. 19 Q. And do you know where he went? 20 A. I don't know where he went. I guess he 21 went probably to our local hospital. 22 Q. Now, do you know if anyone who was involved 23 in the raid that night has been charged? 24 A. I don't know anything about that. 25 Q. Do you know if Mr. Mason was ever charged?</p>	Page 63	<p>1 A. No, they wouldn't send us. 2 Q. Now, who is this -- who did you turn the 3 request in to? 4 A. It went to Chief Deputy Leon Williams, and 5 then he forwarded it to the sheriff. And the 6 sheriff makes the decision of whether you go or not 7 go and approve or disapprove. And -- 8 Q. Do you know -- did he give a reason for why 9 it was disapproved? 10 A. It just say he disapproved on the paper. 11 Q. Do you know when y'all -- when you made 12 those requests? 13 A. Cohen got copies of all of them. 14 Q. Okay. So he -- so he has copies of all the 15 requests that he's made? 16 A. Uh-huh. 17 Q. Do you know if any of those requests were 18 made prior to this incident? 19 A. They was -- yeah, a lot of them were made 20 before that incident. 21 Q. Okay. What, the year prior, or do you know 22 that time frame? 23 A. I think from a couple of months on up to 24 maybe a year. 25 Q. Okay. How long was it between the time</p>	Page 65

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<p>1 that Mr. Mason was shot until the ambulance arrived 2 on the scene?</p> <p>3 A. It wasn't that long. I -- I can't 4 really -- I'll say probably less than 20 -- about 20 5 minutes.</p> <p>6 Q. Okay. Did -- did you hear -- ever hear 7 Mr. Mason say anything?</p> <p>8 A. No, sir.</p> <p>9 Q. Did you hear any of the other people in the 10 home say anything?</p> <p>11 A. No.</p> <p>12 Q. Did you hear Mr. Ollie say anything?</p> <p>13 A. No, sir.</p> <p>14 Q. And you say you never saw anyone from the 15 City of Clarksdale fire any shots, correct?</p> <p>16 A. No, sir.</p> <p>17 Q. And they were all behind you?</p> <p>18 A. Yes, sir.</p> <p>19 Q. So if they would have fired some shots, you 20 would have heard it then?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And you would have known that they 23 originated from someone with the City of Clarksdale, 24 correct?</p> <p>25 A. Yes, sir.</p>	<p>1 A. -- --cotics --</p> <p>2 Q. -- --ing -- the shooting itself, or was it 3 just strictly for narcotics?</p> <p>4 A. Narcotics.</p> <p>5 Q. Okay. Now, do you know if any officer was 6 required to go for any psychological exams following 7 this shooting?</p> <p>8 A. I would think they would.</p> <p>9 Q. Uh-huh.</p> <p>10 But you didn't go yourself?</p> <p>11 A. No. I -- we went to a -- a debriefing.</p> <p>12 Q. Uh-huh.</p> <p>13 At the time of the raid, what was your 14 rank?</p> <p>15 A. Corporal.</p> <p>16 Q. And when you left the Coahoma County, what 17 was your rank?</p> <p>18 A. Sergeant.</p> <p>19 Q. So you had got a raise between the time of 20 the -- the shooting and up -- prior to you leaving?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Okay. Were you over Deputy Bilbro and 23 Deputy Cohen at the raid?</p> <p>24 A. No, Cohen was our -- me and Bilbro obtained 25 the same rank, and Cohen was a master sergeant.</p>
<p>Page 66</p> <p>1 Q. And you didn't have the opportunity to 2 search Mr. Mason yourself, correct?</p> <p>3 A. No, sir.</p> <p>4 Q. Who did you -- did you search anyone, any 5 individual?</p> <p>6 A. No, sir.</p> <p>7 Q. Okay. All right. You gave a -- you gave a 8 statement to the MBI, correct?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And is there anything that's changed from 11 -- that you may have remembered differently or 12 changed from the statement that you made with the -- 13 with the MBI?</p> <p>14 A. No, sir.</p> <p>15 Q. Did you have -- interview any other people 16 who were inside the home at any time following the 17 shooting?</p> <p>18 A. I just interviewed Ladayton.</p> <p>19 Q. And what was the -- when was that?</p> <p>20 A. I done forgot the date. It was the same 21 day of, though.</p> <p>22 Q. Okay. And did you question him regarding 23 the --</p> <p>24 A. The nar--</p> <p>25 Q. -- shoot--</p>	<p>Page 68</p> <p>1 Q. Okay. Have you been involved in any 2 shootings while you were off duty?</p> <p>3 A. No, sir.</p> <p>4 Q. Uh-huh.</p> <p>5 Do you believe you had a fair opportunity 6 to answer all of my questions today?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Is there anything else you would like to 9 add to your testimony?</p> <p>10 A. No, sir.</p> <p>11 MR. WILLIAMS: Tender the witness.</p> <p>12 MR. LUCIANO: I don't have any 13 questions.</p> <p>14 MR. CARR: No questions.</p> <p>15 THE VIDEOGRAPHER: The time is 16 12:18 p.m. We're off the record.</p> <p>17 (Exhibit 1 marked for identification and 18 attached hereto.)</p> <p>19 (Deposition concluded at 12:18 p.m.)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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EXHIBIT A - DEPOSITION OF EDDIE EARL

<p>1 CERTIFICATE OF DEONENT 2 I, Eddie Earl, deponent in this deposition, 3 hereby certify that I have examined the foregoing 69 pages 4 and find them to contain a full, true, and accurate 5 transcription of the testimony as given by me on 6 October 5, 2021, in Cleveland, Mississippi. 7 Page Line Correction (If Any) 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 This the _____ day of _____, 2021. 15 _____ 16 _____ 17 EDDIE EARL 18 State of Mississippi 19 County of _____ 20 Sworn to and subscribed before me, this the _____ day of 21 _____, 2021. 22 _____ 23 NOTARY PUBLIC 24 MY COMMISSION EXPIRES _____ 25</p>	<p>1 aluciano@jlpalaw.com 2 October 19, 2021 3 RE: Mason, Maurice v. City Of Clarksdale, Et Al 4 DEPOSITION OF: Eddie Earl (# 4833510) 5 The above-referenced witness transcript is 6 available for read and sign. 7 Within the applicable timeframe, the witness 8 should read the testimony to verify its accuracy. If 9 there are any changes, the witness should note those 10 on the attached Errata Sheet. 11 The witness should sign and notarize the 12 attached Errata pages and return to Veritext at 13 errata-tx@veritext.com. 14 According to applicable rules or agreements, if 15 the witness fails to do so within the time allotted, 16 a certified copy of the transcript may be used as if 17 signed. 18 Yours, 19 Veritext Legal Solutions 20 _____ 21 _____ 22 _____ 23 _____ 24 _____ 25 _____</p>
<p>Page 70</p> <p>1 CERTIFICATE OF COURT REPORTER 2 I, Courtney R. Taylor, Court Reporter and Notary 3 Public in and for the County of Bolivar, State of 4 Mississippi, do hereby certify that the foregoing 69 5 pages, and including this page, contain a true and 6 accurate transcription of the testimony of Eddie Earl, as 7 taken by me in the aforementioned matter at the time and 8 place heretofore stated by stenotype and later reduced to 9 typewritten form under my supervision by means of 10 computer-aided transcription. 11 I further certify that under the authority 12 vested in me by the State of Mississippi that the witness 13 was placed under oath by me to truthfully answer all 14 questions in this matter. 15 I further certify that I am not in the employ of 16 or related to any counsel or party in this matter and have 17 no interest, monetary or otherwise, in the final outcome 18 of this proceeding. 19 Witness: _____ the 18th day 20 of October, 2021  21 22 COURTNEY R. TAYLOR, CCR #1668 23 24 25 My Commission Expires: August 19, 2023</p>	<p>Page 72</p>

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EXHIBIT A - DEPOSITION OF EDDIE EARL